

Message

From: Chin, Lucita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EA404E3F56574242AEE0811A07E309FC-CHIN, LUCITA]
Sent: 7/31/2018 3:21:49 PM
To: Darman, Leslie [Darman.Leslie@epa.gov]
Subject: RE: Gunnison Class III permit

No, I don't think he was involved in the PRB. He specializes in mining cases. He is the Oglala Sioux Tribe's attorney in DB. I'll take a look when I can. Trying to do all urgent stuff before I'm gone next week.

Lucita Chin
Senior Assistant Regional Counsel
Environmental Protection Agency
1595 Wynkoop St.
Denver, CO 80202
Office: (303) 312-7832

From: Darman, Leslie
Sent: Tuesday, July 31, 2018 9:19 AM
To: Chin, Lucita <Chin.Lucita@epa.gov>
Subject: FW: Gunnison Class III permit

Hi Lucita – FYI -- there is an EAB appeal of a Class III area permit and AE issued by Region 9. Dewey Burdock is mentioned in the response to comments section on the area of review (and perhaps other sections as well). Below are links to the relevant documents (e.g. the RTC). I'll send you the petition for review that was filed (and not withdrawn) in a separate email. It was filed by Jeff Parsons on behalf of several groups. I seem to recall you mentioning him as an attorney involved in litigation surrounding the Powder River Basin area. Is that right or has my memory failed me?

Leslie Darman
US Environmental Protection Agency
Office of General Counsel
Water Law Office
202-564-5452

From: Campbell, Rich
Sent: Monday, July 23, 2018 2:06 PM
To: Darman, Leslie <Darman.Leslie@epa.gov>
Cc: Lieben, Ivan <Lieben.Ivan@epa.gov>
Subject: RE: Gunnison Class III permit

Leslie,

Attached is a PPT we developed for regional management briefing last month.

Our website has the permit, response to comments, and technical background information:

We issued the final permit on June 22. The 30-day appeal period for the permit run today (124.19(a)(3)), except that we responded to some commenters by mail so there's 3 more days on the clock (124.20(d)) and the appeal period is the 26th for those commenters.

So far one appeal was received but the petitioner subsequently rescinded the appeal (see attached email). The EAB website, however, has yet to reflect the EAB's receipt of this rescission.

https://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/81a928bed8010fb5852582c60072090a!OpenDocument

I understand that I will have a draft index of the administrative record for my review by Wednesday, in anticipation of the likelihood that the EAB receives another appeal.

Please contact me with any additional questions!

Rich
415-972-3870

From: Darman, Leslie
Sent: Monday, July 23, 2018 10:04 AM
To: Campbell, Rich <Campbell.Rich@epa.gov>
Cc: Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>
Subject: Re: Gunnison Class III permit

Thanks Rich!

Sent from my iPhone

On Jul 23, 2018, at 12:58 PM, Campbell, Rich <Campbell.Rich@epa.gov> wrote:

Leslie,

I'll forward along information later today that will bring you up to speed.

Rich

Rich Campbell
USEPA Region 9
Office of Regional Counsel
415-972-3870

From: Engelman, Alexa
Sent: Monday, July 23, 2018 9:46 AM
To: Darman, Leslie <Darman.Leslie@epa.gov>
Cc: Campbell, Rich <Campbell.Rich@epa.gov>
Subject: RE: Gunnison Class III permit

Hi Leslie, just getting back and catching up. Rich Campbell in our office is actually the attorney working on the Excelsior permit, so CC'ing him here.

Best,
Alexa

From: Darman, Leslie
Sent: Wednesday, July 18, 2018 11:26 AM
To: Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>
Subject: Gunnison Class III permit

Hi Alexa – Welcome back from your wedding week! I hope the wedding was everything you wanted it to be.

Sorry to greet you with a request, but on the UIC call today, David A. mentioned an appeal filed with the EAB that was filed July 9 and then withdrawn. He referred to it as the Excelsior project. I think you mentioned it to me once so I am guessing that you are the ORC attorney in that matter. (If not, please let me know.) Anyway, I just took a look at the petition and it appears to be for a copper mine in Arizona and perhaps raised some NEPA and ESA issues in comments. In case other appeals are filed and/or for general awareness purposes, could you please send me anything you might already have on the permit and any associated AE – a briefing paper perhaps or decision memo, or whatever you think would be best for me to get a quick summary of the permit and key issues? Thanks much.

Leslie Darman
US Environmental Protection Agency
Office of General Counsel
Water Law Office
202-564-5452